

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ACUITY, a mutual insurance company,

Plaintiff,

v.

ANGELA BAXTER,

Defendant.

Case No. 11-cv-52-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the stipulation for dismissal with prejudice filed by plaintiff Accuity (Doc. 22), which the Court construes as a motion to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal signed by all the parties. The Court **GRANTS** the motion (Doc. 22), **DISMISSES** this case **with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: December 14, 2011**

s/ J. Phil Gilbert

**J. PHIL GILBERT**  
**DISTRICT JUDGE**